

REMARKS

Claims 1-57 are pending in the application. Applicant elects, with traverse, claims 1-27 in response to the Restriction Requirement. Applicant has amended claims 11 and 39 to correct typographical errors. No new material has been added with these amendments.

It is only proper to require restriction between patentable distinct inventions if there would be a serious burden on the Examiner if restriction is not required. *See* MPEP § 803(A) and (B) (referring to MPEP § 803.02, § 806.04(a) - § 806.04(i), § 808.01(a), and § 808.02)).

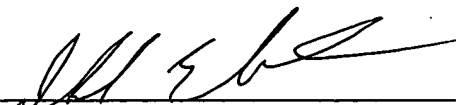
It is respectfully submitted that no serious burden would be placed on the Examiner to examine claims 1-27 of proposed Group I together with claims 28-57 of proposed Group II. The Examiner asserts that claims of the proposed Group I are "drawn to a piezoelectric device," and that the claims of Group II are "drawn to a method of manufacturing a piezoelectric device." Restriction Requirement, at page 2. The Examiner further asserts that the device "can be made by methods other than those of Group II". *Id.* Under the Examiner's characterization, with which Applicant does not acquiesce, Applicant believes that searching both proposed groups together will pose no additional burden on the Examiner. Accordingly, it is not proper to restrict the application in this manner and, thus, the Examiner must examine the claims of proposed Group I and proposed Group II together on the merits. *See* MPEP § 803(A) and (B).

In light of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the present restriction requirement, based upon improper restriction of groups I and II.

Applicant, of course, reserves the right to file divisional applications covering the subject matter of the non-elected claims and to add claims, by rejoinder, after search and examination. Receipt of the initial Office Action on the merits is awaited.

Respectfully submitted,

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